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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORDER

MICHAEL DAVID HISSUNG,

Plaintiff,

vs.

ROMEO ARANAS, et al.,

Defendants.

Case No. 3:16-cv-00560-RCJ-VPC

**MOTION FOR EXTENSION OF THE 90 DAY
STAY AND DEADLINE TO FILE THE 90
DAY STAY REPORT**

Defendants Isidro Baca, Candis Brockway, John Keast, and Karin Noll, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Joshua M. Halen, Deputy Attorney General, hereby submit this Motion for Extension of the 90 Day Stay and Deadline to file the 90 Day Stay Report. This Motion is based on the following memorandum of points and authorities, the papers and pleadings on file, and any other information the Court chooses to consider.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

On August 22, 2017, this Court entered its Screening Order, which stayed this matter for 90 days, pending settlement discussions between the parties. (Screening Order at 8:16-19, ECF No. 3.) The Court also ordered the Nevada Attorney General's Office to file a report regarding the result of the 90 day stay within 90 days of the Court's Screening Order. (*Id.* at 8:22-25.) Based on the Court's Order, the stay is set to expire on November 20, 2017, and the Report is due the same day.

On September 26, 2017, the Court entered its Order setting the Inmate Early Mediation

1 Conference for November 28, 2017. (Order at 1, Sep. 26, 2017, ECF No. 6.) The date of the Inmate
2 Early Mediation Conference falls after the 90 day stay expires. Accordingly, the Defendants
3 respectfully request this Court extend the 90 day stay and the due date for the stay report until
4 Thursday, November 30, 2017.

5 **II. DISCUSSION**

6 Fed. R. Civ. P. 6(b)(1) governs enlargements of time and states as follows:

7 When an act may or must be done within a specified time, the court may,
8 for good cause, extend the time:

- 9 (A) with or without motion or notice if the court acts, or if a
10 request is made, before the original time or its extension expires; or
(B) on motion made after the time has expired if the party failed to
act because of excusable neglect.

11 The proper procedure, when additional time for any purpose is needed, is to present a request
12 for extension of time before the time fixed has expired. *Canup v. Miss. Valley Barge Line Co.*, 31
13 F.R.D. 282, 283 (W.D. Pa. 1962). Extensions of time may always be asked for, and usually are granted
14 on a showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*,
15 8 F.R.D. 268, 269 (N.D. Ohio 1947).

16 Good cause exists to extend the stay in this case because it will permit the parties to engage in
17 the Early Mediation Conference on Tuesday, November 28, 2017, without Plaintiff being assessed a
18 filing fee and without Defendants being required to prepare a response to Plaintiff's Complaint and the
19 90 day stay report. In addition, undersigned counsel for Defendants is attempting to contact Plaintiff in
20 order to discuss the nature of his claims and his initial settlement demand. Extending the stay will
21 provide the parties the opportunity to engage in informal and formal settlement discussions without the
22 pressure of the litigation process.

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1 **III. CONCLUSION**

2 Based on the foregoing, Defendants respectfully request that the Court enter an order extending
3 the stay in this case and the deadline to file the 90 day stay report to Thursday, November 30, 2017.

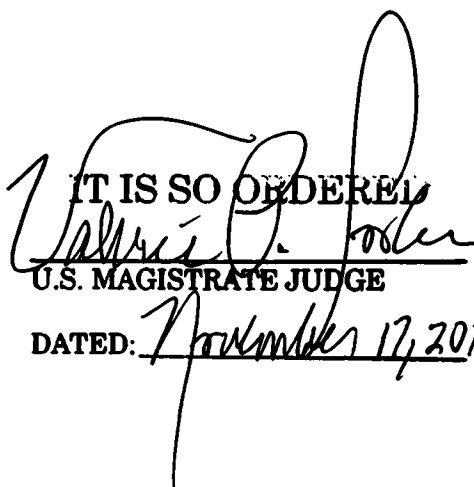
4 DATED this 15th day of November, 2017.

5 ADAM PAUL LAXALT
6 Attorney General

7 By: _____

8 JOSHUA M. HALEN
9 Deputy Attorney General
10 Bureau of Litigation
11 Public Safety Division

12 *Attorneys for Defendants*

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IT IS SO ORDERED
U.S. MAGISTRATE JUDGE

DATED: November 17, 2017

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 15th day of November, 2017, I caused a copy of the foregoing, **MOTION FOR EXTENSION OF THE 90 DAY STAY AND DEADLINE TO FILE THE 90 DAY STAY REPORT**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

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